



NATIONAL LABOR RELATIONS BOARD

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NLRB CHAIRMAN WILLIAM GOULD: "BASEBALL SHOULD NOT TINKER WITH THE GAME ITSELF"

"Baseball...solicits forgiveness from America," said National Labor Relations Board Chairman William B. Gould IV, who, on opening day of the baseball season, observed that while the game has its problems, "baseball should not tinker with the game itself--for there is nothing wrong with it."

In a speech delivered April 1 before the University of Maryland School of Law, Mr. Gould reminisced over his 50-year involvement with baseball--as a lifelong Boston Red Sox fan, salary arbitrator, sports writer, baseball broadcaster, and NLRB Chairman. He recalled that just over one year ago, on March 26, 1995, the NLRB secured an injunction that pushed the parties back to negotiations and saved the 1995 season. However, they still haven't reached a collective bargaining agreement:

Though a new round of hearings is scheduled to begin with an Administrative Law Judge of our agency on April 29, the fact remains that the hearing has been postponed on a number of occasions in the past at the request of both sides in order to accommodate the continuing efforts to reach a collective bargaining agreement and to thus settle the unfair labor practice charges which are still outstanding before us. Questions of a payroll tax and revenue sharing are being discussed with the parties and it is generally anticipated that strikes and lockouts are not part of the plans for the '96 season.

Notwithstanding the effectiveness of the National Labor Relations Act in producing peace in baseball, Mr. Gould said the recurrent strikes and lockouts "indicate that the Act may not be relevant to some of the problems which plague America's game." He pointed out that President Clinton proposed compulsory arbitration legislation in early '95 only to have it rejected by the Republican leadership in Congress, and added:

As the Second Circuit has said, the problems with professional sports are different. This is the way the Supreme Court's consideration of Brown v. Pro Football, now before the Supreme Court, a dispute between the NFL Players Association and the National Football League over the unilateral imposition of a uniform salary for so-called developmental players, dramatizes anew the anomalies between the legal

treatment of baseball and other sports. This case involves the applicability of antitrust to professional football--an earlier decision did the same for basketball--and the accommodation that must be struck between antitrust and labor law--an accommodation not present in baseball given the continues viability of Federal Baseball Club.

Even with its problems, baseball still remains the most glorious sport, according to the NLRB Chairman:

Meanwhile, inter-league play advocated by many like Williams, even when I was a small boy in Long Branch [New Jersey] will be good for the game. But baseball should not tinker with the game itself--for there is nothing wrong with it. What baseball needs to do is to advertise its ambiance, to invite, for instance, fans into the stadium when batting practice commences. Then, once again, fans will know the identity of those more mobile players without any concession to limited attention spans and the consequent need to place names on the backs of the uniform in gauche fashion. Somehow baseball must reach the television and Internet generations that may have less time for reflection.

Unless baseball does the unthinkable and introduces aluminum bats at the professional level, nothing will change the sweet sound of the crack of the bat. Nothing can change the beauty of a double-play, the ability of Luis Alicea to somehow release the ball on time to almost shove it at first base for a game ending twin killing with the Baltimore runner barreling down upon him last August. Nothing can change the dumbfounded amazement of father and son looking at one another in wonderment as Dave Henderson's dramatic ninth inning '86 home run disappears over the left field wall beyond the reach of a downcast Brian Downing when all odds seemed to favor doom that brilliant sunshine filled Anaheim Sunday afternoon.

Mr. Gould recalled his indoctrination to baseball 50 years ago as a boy in Long Branch listening to radio broadcasts of games and playing sandlot ball with his pals for hours on end. He stated:

In that sweet summer of 1946, the Red Sox had the wind to their back and, notwithstanding the delay in clinching the pennant until Ted Williams' uncharacteristic inside the park home run to left field of all places in Municipal Stadium (he always defied the "Williams Shift" devised by Lou Boudreau) were never seriously challenged until that fateful seven game series on October in which S. Louis Cardinal slugger Ennos Slaughter raced daringly to the plate with the winning run

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